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Patent
Case No.: 51362US010#35/
NR
9/11/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: YUSCHAK, GREGORY
Application No.: 09/030394 Group Art Unit: 3761
Filed: February 25, 1998 Examiner: Aaron J. Lewis
Title: RESPIRATOR HAVING SNAP-FIT FILTER CARTRIDGE

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION	
To Fax No.: 703-872-9302	2 Pages in Transmission
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:	
September 11, 2003	
Date	Signed by: Susan M. Dacko

Dear Sir:

In response to the Office Action mailed June 26, 2003, applicants submit the following remarks.

Claims 1-6, 9, 10, 14, 16, 18-20, 22, and 25-28 have been rejected under 35 USC § 102(b) as being anticipated by or, in the alternative, under 35 USC § 103(a) as being obvious over U.S. Patent 5,062,421 to Burns et al. Applicants respectfully submit that this rejection cannot be sustained.

In construing Burns, the Examiner recognizes that locking tabs 29 would need to be pushed radially inwards in order to separate the filter cartridge from the cartridge receiving structure when pulling on the cartridge. Nonetheless, the Examiner seems to conclude that these two separate manual manipulations would together constitute separating the filter cartridge from the cartridge receiving structure by pulling on it without any additional manual manipulation. Applicants submit that this is not a proper reading of claim language. The claim explicitly requires that the filter cartridge is capable of being readily separated from the cartridge receiving structure by manually pulling on the filter cartridge without any additional manual manipulation. The need to manually push tabs 29 inwardly constitutes additional manual manipulation beyond simply pulling on the filter cartridges to remove them from the cartridge receiving structure. The claim language itself and the preceding specification support this interpretation of the claim. Thus, applicants are at a loss to understand how the claim can be construed such that the need to

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push the locking tabs radially inward does not constitute additional manual manipulation beyond pulling on the filter cartridge. Accordingly, applicants respectfully ask the Examiner to clarify this issue if a notice of allowance is not forthcoming in the next Office Action.

Respectfully submitted,

September 10, 2003

Date

By: 

Karl G. Hanson, Reg. No.: 32,900

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